

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

VIKING YACHT COMPANY and)
POST MARINE CO., INC.,)
Plaintiffs,)
v.) No. 3:07-cv-99
COMPOSITES ONE LLC and)
COOK COMPOSITES AND POLYMERS,)
Defendants.)

MEMORANDUM AND ORDER

The plaintiff Viking Yacht Company moves to alter and amend this Court's Memorandum and Order [Doc. 18] to require non-party Skier's Choice, Inc. ("Skier's Choice") to produce any settlement agreements related to 952 or 953 series gel coat which were entered into between Skier's Choice and the defendant Cook Composites and Polymers ("CCP") from 1995 to the present. [Doc. 19].

Skier's Choice opposes the plaintiff's motion, arguing that there are no documents responsive to the plaintiff's request for any settlement agreements related to 952 or 953 series gel coat which were entered into between Skier's Choice and CCP from 1995 to the present. In support of its response, Skier's Choice submits the affidavit of Brad Denning, Executive Vice President of Skier's Choice, who made the records search for such agreements.

Based upon Skier's Choice representation that no responsive documents exist, the Court finds the plaintiff's request to alter or amend the Court's Memorandum and Order to be moot. Accordingly, Viking Yacht's Motion to Alter and Amend Memorandum and Order [Doc. 19] is **DENIED AS MOOT.**

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge